

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

Dana Miller,

Plaintiff,

-v-

Case No. 2:11-cv-393

Countrywide Home Loans, Inc., et al.,

Judge Michael H. Watson

Defendants.

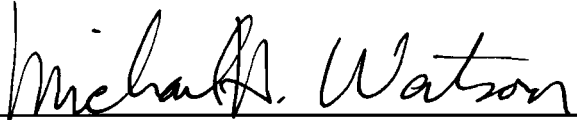
CONFERENCE MEMORANDUM AND ORDER

Plaintiff filed this action, along with a motion for a temporary restraining order (“TRO”) on May 6, 2011. Plaintiff seeks a TRO to permit him to return to his home from which he was evicted. Mr. Miller presently lives with his father.

The Court conducted an informal conference on May 17, 2011 pursuant to S.D. Ohio Civ. R. 65.1. Counsel for both sides appeared and participated in the conference. Counsel for Defendants submitted documents indicating that the property at issue was assigned to Fannie Mae on August 25, 2010. It therefore appears that the currently-named Defendants do not own or possess the property, and would not be in the position to relinquish the property to Plaintiff pursuant to a TRO issued by this Court. Plaintiff’s counsel indicated he might join Fannie Mae as a defendant, but given Fannie Mae may have been a bona fide purchaser, it is unclear what claim or claims Plaintiff could assert in good faith against Fannie Mae to warrant injunctive relief.

Defendants shall file their memorandum in opposition to Plaintiff's TRO motion by **May 24, 2011**. Plaintiff shall file any reply memorandum within three days thereafter. The Court will determine the need for an evidentiary hearing after it has reviewed the memorandum in opposition and reply.

IT IS SO ORDERED.



MICHAEL H. WATSON, JUDGE
UNITED STATES DISTRICT COURT